

NINETY-SECOND MEETING
of the
ADMINISTRATIVE ADVISORY COMMITTEE
MEETING NOTES
February 1, 2012

The Ninety-Second Meeting of the Administrative Advisory Committee convened at 10:12 a.m., on February 1, 2012, in the Conference Room of the State Universities Civil Service System Office (University System), 1717 Philo Road, Suite 24, Urbana, Illinois.

Present were: Khris Clevenger, representing Illinois State University; Steve Cunningham, representing Northern Illinois University; Maureen Parks, representing the University of Illinois; and William Weber, representing Eastern Illinois University.

Present by video conference were: Julie DeWees, representing Western Illinois University; Glenn Meeks, representing Chicago State University; and Duane Stucky, representing Southern Illinois University.

Members absent were: Joanne E. Maitland, Chair, representing the Merit Board; Gebe Ejigu, representing Governors State University; Shoba Nandhan, representing the Illinois Student Assistance Commission; Geoffrey Obrzut, representing the Illinois Community College Board; Al Phillips, representing the Illinois Board of Higher Education; and Mark Wilcockson, representing Northeastern Illinois University.

Also present were: Lewis T. (Tom) Morelock, Executive Director; Abby Daniels, Legal Counsel; Teresa Rademacher, Secretary for the Merit Board; Jeff Brownfield, Manager, Operations Division; Cindy Neitzel, Manager, Audit and Advisory Services; and Julie Benedict, Chair, State Universities Civil Service Advisory Committee.

Consideration of the Report of the Ninety-First Meeting, February 9, 2011

Mr. Morelock requested if there were any additions or corrections to the Report of the Ninety-First Meeting of the Administrative Advisory Committee which was held on February 9, 2011. The report was included in the agenda materials which were mailed to all members of the committee at an earlier date. Having heard no comments, Mr. Morelock asked the members to accept the report as presented. There were no objections. The report was accepted as presented.

Update on the Proposed Rule Changes to sections 250.60, 250.70, 250.90, and 250.110 of the Illinois Administrative Code (80 Ill. Adm. Code §250.60, §250.70, §250.90, and §250.110)

Mr. Morelock informed the committee that several rule changes had been approved by the Merit Board on August 17, 2011 to circulate to the various committee groups and for publication in the Illinois Register. The proposed rules, as stated above, were published in the Illinois Register on October 28, 2011, Volume 35, Issue 44, to begin the First Notice Period. As of the meeting date, the University System office had not received any public comments regarding these proposed changes.

The University System had recently been notified that the Joint Committee on Administrative Rules (JCAR) needed further clarification on two issues.

The first being the requirement to comply with Section 5-20 of the IAPA, regarding a list of non-exhaustive circumstances, examples, or standards of situations in which the Executive Director shall make a determination that allowed for the permissive removal of names from registers in classifications identified by the Executive Director and the timeframe.

The University System staff prepared a revision to section 250.60(h)(10) of the Illinois Administrative Code (Code) (80 Ill. Adm. Code §250.60(h)(10)) as follows:

“In classifications identified by the Executive Director and approved by the Merit Board, upon the expiration of the designated timeframe specified in a formal position vacancy posting. Classifications to be included under this provision shall be determined by, but not limited to, an evaluation of the following factors: occupation area, employment and turnover rates, pre-employment screening protocols utilized, operational needs and trends, and/or other special circumstances and justification.”

JCAR is in agreement with the above proposed changes. The above changes to this section of the Code are needed to capture the flexible employment protocols contained in the Pilot Program, which must be transitioned into the current civil service class plan structure. Mr. Cunningham asked if this specific employment option could be utilized in the search of a candidate for a civil service position. Mr. Morelock responded this option could be utilized as long as an end date was included in the vacancy posting.

The second issue was the removal of the language referencing a rehearing of a discharge case, as found in section 250.110(f)(17) of the Code (80 Ill. Adm. Code §250.110(f)(17)). The State Universities Civil Service Act, 110 ILCS 70, does not expressly grant the Merit Board the authority to reconsider its own decision. Nor does 110 ILCS 70 include any guidelines to be followed should a party request reconsideration of a Merit Board's decision. A decision of the Merit Board is the final decision for purposes of the Administrative Review Law (735 ILCS 5/Art III). JCAR has agreed to this clarification.

Mr. Morelock also gave an overview of the other two proposed rule changes:

Section 250.70(d), Trainee Appointments – section is being amended by changing the name of the program from Trainee Appointments to Intern Appointments.

Section 250.90(b)(2), Duration of Probationary Period – section is being amended to extend the probationary period for a comparable amount of time as required by any off-site training period.

Various campus policing units had suggested this due to the significant off-site mandatory police training required for entry level officers.

Update on the Proposed Rule Changes to section 250.30 of the Illinois Administrative Code (80 Ill. Adm. Code §250.30)

Mr. Morelock updated the committee on the status of the proposed rule revision to section 250.30 of the Code (80 Ill. Adm. Code §250.30)). This matter has been discussed with the various committees and the Merit Board over the last several months. The Merit Board approved this rule change on November 17, 2010 for circulation to the various committees and to be submitted to the Illinois Register to begin the First Notice Period. At the time of this meeting, the proposal has not been submitted for publication in the Illinois Register for the First Notice Period. The University System Office plans to do this in the very near future to see what type of questions or comments the University System staff will receive from the public and JCAR.

Mr. Morelock informed the committee that the Merit Board has the final authority to either process this rule change or deny the changes. It was reiterated that this is only for 36e(3) exemptions, not 36e(2) and 36e(4) exemptions. Mr. Morelock explained that the University of Illinois at Chicago has purchased a true “job analysis” software package for their use in determining the proper exemption category. Specialty Factors were discussed and Dr. Weber asked the University System staff to send him some examples of Specialty Factors for his review dealing with exemptions.

Discussion and Action regarding the Participation Agreement for the Statewide Salary Data Processing System

Mr. Morelock explained that several years ago Northern Illinois University, in conjunction with the University System, developed an electronic system that allowed the staff of the University System to approve/disapprove pay rates and ranges for all employers. Also, twice a year, a spring and fall salary survey was conducted for all civil service positions. This system went in to effect on July 1, 2002. Each year Northern Illinois University collected an administrative fee to maintain the system at a cost of approximately \$17,500 per year. This contractual agreement was approved by Administrative Advisory Committee on January 16, 2002 and the Merit Board on January 30, 2002.

During the last few years, the University System staff has received several requests from various employers to add new features and possible new enhancements to the current electronic system. The IT staff of the University System has rebuilt this electronic system and several employers have reviewed the new enhancements in the system. The University System office is prepared to go on-line with the new system July 1, 2012.

Discussion was held on how the University System Office could recoup the administrative fee that the employers are currently paying to Northern Illinois University. The University System does not have the authority to collect and manage these fees. Mr. Morelock suggested that if at all possible that the University of Illinois could collect the fees and then in turn use the dollars to supplement the contract for our graduate assistant (doctoral student) from the University of Illinois. After further discussion, Mr. Morelock pointed out that the savings on this new program does not benefit the University System, but

that the savings will be for the universities and agencies. After further discussion, it was agreed that the committee would continue to look at a way to handle the administrative fee currently being charged by Northern Illinois University.

Compromise of the Pre-Employment Exams for the Agricultural Research Technician Series

Mr. Morelock informed the committee that the University System was made aware that an exam, Associate Agricultural Research Technician, had possibly been compromised back in November 2011. The University System staff is currently investigating the matter. The University System office has also informed the Executive Inspector General's Office of the issue. Staff is currently looking into redoing the exam, again a cost to the University System office. Mr. Morelock stated the investigation is revealing that some of the experts in the field are the ones that actually gave out the information. Mr. Morelock stated that the employees and supervisors who are assisting the University System staff in the development of the various examinations are given instructions that the exam material is confidential. After further discussion, Mr. Morelock agreed that revised security protocols will be put in place to "hopefully" eliminate these security breaches.

Transition of Pilot Program to Standardized Civil Service Class Plan Management Protocols

Mr. Morelock stated that the Pilot Program currently involves the following classes:

- *Accounting Associate*
- *Business/Administrative Associate*
- *Human Resources Associate*
- *Information Technology Manager/Administrative Coordinator*
- *Information Technology Technical Associate*
- *Information Technology Support Associate*

These classes will be transitioned to the current civil service Class Plan Management System as soon as the rule proposals reference above are adopted and published in the Illinois Register.

The Pilot Program has been in existence since September 2002. In August 2008, the Merit Board approved the program for an additional three years, ending in September 2011. The credential assessments and score banding will remain a component for these classifications.

Mr. Morelock further stated that the procedures for Specialty Factors have been changed to allow for more flexibility. Also, part of the proposed rules will deal with the register maintenance so that employers will be able to start fresh with a new group of applicants in certain classes.

Discussion was held regarding the "Rule of Three". To change the "Rule of Three" would require a statutory change. However, a sub-committee from the Human Resource Directors Advisory Committee is looking at an additional pilot program/demonstration program regarding the "Rule of Three". Mr. Morelock stated that the statute clearly states "three persons standing highest on the register".

Biennial Audit Program – Review of Recent Activities

Ms. Neitzel updated the committee on the recent audit activities and that all of the Final Audit Reports could be found at the University System website. The Audit Team will be auditing Western Illinois University in February 2012 and Southern Illinois University Edwardsville in March 2012.

Report of the Executive Director

Mr. Morelock updated the committee on the following:

- *Final expenditures for FY 2011 and current expenditures for FY 2012 were included in the agenda materials. The FY 2013 budget recommendation includes an increase of \$96,000 over the FY 2012 appropriation.*
- *Compliance Audit – FY 10 and FY 11 agency compliance audit was conducted by the Auditor General's office. The University System Office is happy to report that there was no material or non-material findings; the final audit report was released on November 3, 2011.*
- *Annual Report – the FY 11 Annual Report was mailed to the Governor's Office in late October 2011 as required by the Act and to various other persons.*
- *Legal Counsel Position – Abby Daniels, has been employed as the Legal Counsel for the University System Office and the Merit Board effective September 16, 2011.*
- *Website – a new website will be released very soon.*
- *Classification Plan Update – staff is currently working on several revisions to the various class specifications and examinations; grant-funded positions and expansion of civil service applicant pools will be discussed in a sub-committee of the Human Resource Directors Advisory Committee.*
- *Legal Update – 27 Written Charges for Discharge have been served so far on employees at the various universities/agencies for FY 2012; of those 27, six employees have requested a hearing before the University Civil Service Merit Board. There are currently two discharge cases pending; one case will be heard at the February 8, 2012 Merit Board meeting. Two Administrative Review Cases are currently pending; the first one regarding the Rettig Case, on July 28, 2011 Judge Klein found that the decision of the Merit Board was against the manifest weight of the evidence, Northern Illinois University appealed the decision and requested that the Attorney General's Office file a Motion to Stay Judge Klein's decision until the appeal could be heard and decided; the second one regarding the Kafka Case, oral arguments were presented on November 21, 2011 before Judge Klein, and on December 19, 2011, Judge Klein issued a ruling that the Merit Board's Order be affirmed. Ms. Daniels also informed the committee that the University System Office currently have several Review Decisions pending before the Executive Director.*

Other Items as presented

Included in the agenda materials were proposed meeting dates for 2012:

- *Wednesday, May 9, 2012*

- *Wednesday, August 1, 2012*
- *Wednesday, November 7, 2012*

It was agreed by the committee that these dates would be held for possible meetings if needed in 2012.
The meeting adjourned at 12:12 p.m.